



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, AUGUST 15, 2018 AT 2.30 P.M

1. The House assembled at thirty minutes past Two O'clock.
2. Proceedings were opened with Prayer
3. **Presiding** – the Honourable Deputy Speaker
4. **PETITIONS**

The following three Petitions were presented:-

**a). Petition regarding Incessant Harassment of Private Water Suppliers by Government in Dagoretti South Constituency**

"I, the undersigned, on behalf of the Private Water Suppliers in Dagoretti South Constituency;

DRAW the attention of the House to the following: -

1. THAT, Dagoretti South Constituency in Nairobi County has experienced perennial water supply challenge unlike the Constituencies in the bordering Kiambu County;
2. THAT, even though Dagoretti is within Nairobi County, residents have been relying on borehole water suppliers as the Government has failed to meet their water demand;
3. THAT, even with the Northern Collector Tunnel and other plans laid out in the Nairobi Water Master Plan by the Athi Water Service Board (AWSB), Nairobi County still cannot satisfy the water needs of its residents;
4. THAT, this challenge has occasioned the emergence and rise of private enterprises and initiatives which include borehole drilling;
5. THAT, there are over twenty-two (22) private borehole owners in Dagoretti South Constituency. The borehole water distribution network engages many people including hundreds of clean water truck operators and thousands of vendors and distributor;

6. THAT, private water providers have been experiencing incessant problems such as unwarranted arrests and harassment by County Government officials and the police and also wanton destruction of their property;
7. THAT, that most borehole owners operate on a not-for-profit basis despite massive investment into the projects including the cost of drilling, equipping, piping, metering and operationalizing the boreholes. A borehole could effectively cost anything between Kshs. 5 Million to Kshs. 8 Million;
8. THAT, with the high tariffs and operating costs, borehole owners are unable to realize any gainful returns on their investment;
9. THAT, the incessant police arrests, harassment and destruction of property by County Government Officials does not only interrupt the normal business operations but also denies the community this very critical utility;
10. THAT, efforts to resolve the matter with the relevant Ministry and Agencies have been futile;
11. THAT, the issues in respect of which this Petition is made are not pending before any Court of Law, Constitutional or Statutory body.

THEREFORE, your humble petitioners pray that the National Assembly, through the Departmental Committee on Environment and Natural Resources;

- i) inquires into how Athi Water Service Board (AWSB) and Nairobi Water and Sewerage Company (NWSC) arrive at the punitive tariffs they charge residents;
- ii) inquires into the circumstances under which Nairobi Water officials arrogate themselves the power to use the brutal force of administration police officers to arrest and harass private water service providers;
- iii) inquires into the circumstances under which Nairobi Water officials arrogate themselves the powers to destroy private property in the pretext of normal regular quality checks; and
- iv) makes any other order or direction that it deems fit in the circumstances of this matter.

And your PETITIONERS will ever pray."

*(Hon. John Waweru Kiarie, MP)*

**b). Petition regarding Request For Land For Settlement by the Residents of Nessuit and Mariashoni Wards in Njoro and Molo Sub-Counties in Nakuru County**

"Honourable Members, pursuant to the provisions of Standing Order 225 (2) (b), I wish to convey to the House that my office is in receipt of a petition signed by 579

residents of Nessuit and Mariashoni Wards of Njoro and Molo Sub-Counties in Nakuru County regarding a request for land to settle them.

Honourable Members, the Petitioners draw the attention of the National Assembly on the plight of the residents and seek to be granted land by the Government to settle their families, which for a long time have remained unsettled.

Honourable Members, therefore, the Petitioners are praying that the National Assembly intervenes to have residents of Nessuit and Mariashoni Wards of Nakuru County offered land for settlement as the Government plans to carry out a comprehensive settlement program.

Honourable Members, pursuant to the provisions of Standing Order 227, this Petition therefore, stands committed to the Departmental Committee on Lands for consideration. The Committee is expected to engage the Petitioners and report its findings to the House in accordance with the provisions of Standing order 227(2).

*(Presented by the Honourable Deputy Speaker)*

### **c). Petition regarding Zero Rating of Textbooks, Journals and Periodicals**

"Honourable Members, Standing Order 225(2)(b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office has received a Petition signed by one Mr. Njoroge Waweru of P.O. Box 287 in Kikuyu, regarding Value Added Tax (VAT) charged on textbooks, journals and periodicals.

Honourable Members, The Petitioner contends that the VAT charged on textbooks, journals and periodicals is prohibitive, and curtails the promotion of education and a culture of lifelong learning among citizens. The petitioner further highlights that the Kenya Revenue Authority charges 16% VAT on both new and used textbooks yet the value on these books is not the same, and does not levy VAT on books and journals sold online. He believes that this amounts to discrimination against printed books as these are more accessible to the majority of Kenya's population which has limited access to the internet. The Petitioner therefore prays that the National Assembly evaluates the usefulness of VAT levied on books, journals and periodicals and considers zero rating these items.

Honourable Members, Pursuant to the provisions of Standing Order 227, this Petition therefore stands committed to the Departmental Committee on Finance and National Planning for consideration. I urge the Committee to engage the Petitioner and report its findings to the House within sixty days, or even earlier, given that the matter falls within the confines of the Finance Bill, 2018 which is under consideration by the Committee. I thank you!

*(Presented by the Honourable Deputy Speaker)*

## **5. PAPERS**

The following Papers were laid on the Table of the House:-

**(I) Papers laid by the Leader of the Majority Party: -**

- a) Legal Notice No. 174 relating to the Public Finance Management (Sports, Arts and social Development Fund) Regulations, 2018 and the Explanatory Memorandum.
- b) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2017 and the certificates therein: -
  - i) Kenya National Library Service;
  - ii) Jubilee Party;
  - iii) Sports Kenya;
  - iv) The Receiver of Revenue - Pension Department;
  - v) State Department of Sports Development; and
  - vi) State Department for Labour.
- c) The Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30<sup>th</sup> June, 2017 and the certificates therein: -
  - i) Kitui South Constituency;
  - ii) Isiolo South Constituency;
  - iii) Kitui Central Constituency;
  - iv) North Horr Constituency;
  - v) Tigania East Constituency;
  - vi) Saku Constituency;
  - vii) Tarbaj Constituency;
  - viii) Tharaka Constituency;
  - ix) Moyale Constituency;
  - x) Igembe Central Constituency;
  - xi) Mwingi Central Constituency; and
  - xii) Wajir West Constituency.

**(II) Paper laid by the Chairperson, Departmental Committee on Sports, Culture & Tourism (Hon. (Dr.) Victor Munyaka, MP):-**

- i. The Report of the Delegation of the Departmental Committee on Sports, Culture and Tourism to Russia on a benchmarking visit to the 2018 Fifa World Cup Games.

**(III) Paper laid by Hon. Stephen Mutinda Mule, Member of the Departmental Committee on Health: -**

- i. Report of the Departmental Committee on Health on the Parliamentary Consultation for the United Nations High-level meeting on Tuberculosis held in New York, USA on 25<sup>th</sup> - 26<sup>th</sup> April, 2018.

(IV) Paper laid by the Chairperson, Departmental Committee on Health (Hon. Sabina Chege, MP): -

- i. Report of the Departmental Committee on Health on its consideration of the Health Laws (Amendment) Bill (National Assembly Bill No.14 of 2018).

6. MOTION - REPORT ON CONSIDERATION OF THE TRAFFIC (DRIVING SCHOOLS, DRIVING INSTRUCTORS AND DRIVING LICENSES) RULES, 2018

Motion having been made and Question having been proposed:-

**THAT**, this House adopts the Report of the Committee on Delegated Legislation, laid on the Table of the House on Thursday, August 2, 2018, and pursuant to the provisions of section 15 (1) of the Statutory Instruments Act and Standing Order 210 (4) (b) **annuls in entirety** the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2018.

*(The Chairperson, Committee on Delegated Legislation)*

Debate on the Motion having been concluded;

Question put and agreed to.

7. MOTION - REPORT ON CONSIDERATION OF THE ENERGY (SOLAR WATER HEATING) REGULATIONS, 2012

Motion having been made and Question having been proposed:-

**THAT**, this House adopts the Report of the Committee on Delegated Legislation, laid on the Table of the House on Thursday, August 2, 2018, and pursuant to the provisions of section 15 (1) of the Statutory Instruments Act and Standing Order 210 (4) (b) **annuls in entirety** the Energy (Solar Water Heating) Regulations, 2012.

*(The Chairperson, Committee on Delegated Legislation)*

Debate on the Motion having been concluded;

Question put and agreed to.

8. MOTION - REPORT OF THE 49TH SESSION OF THE ACP PARLIAMENTARY ASSEMBLY AND INTERSESSIONAL MEETINGS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY

Motion having been made and Question having been proposed:-

**THAT**, this House **notes** the Report of the 49th Session of the ACP Parliamentary Assembly and Inter-Sessional Meetings of the ACP-EU Joint Parliamentary Assembly

held at the ACP House and the European Parliament in Brussels, Belgium on March 20th - 22nd, 2018, laid on the Table of the House on Tuesday, July 24, 2018

*(Hon. Katoole Metito, Leader of Delegation)*

Debate on the Motion having been concluded;

Question put and agreed to.

**9. MOTION - REPORT OF THE 138TH ASSEMBLY OF THE INTERPARLIAMENTARY UNION (IPU) AND RELATED MEETINGS**

Motion having been made and Question having been proposed:-

**THAT**, this House **notes** the Report of the 138th Assembly of the Inter-Parliamentary Union (IPU) and related Meetings held in Geneva, Switzerland on March 22 -28, 2018, laid on the Table of the House on Tuesday, 24th July, 2018

*(Hon. William Kamket, Leader of Delegation)*

Debate on the Motion having been concluded;

Question put and agreed to.

**10. MOTION - EXTENSION OF THE PERIOD FOR CONSIDERATION OF NOMINEES TO THE SALARIES AND REMUNERATION COMMISSION**

Motion made and Question proposed:-

**THAT**, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to extension of period for consideration of nominees for appointment to a public office, this House resolves to extend the period for consideration of the nominees submitted by H.E. the President for appointment to the Salaries and Remuneration Commission by a **further period of fourteen (14) days** from 21st August, 2018.

*(Leader of the Majority Party)*

Question put and agreed to.

**11. MOTION - REPORT ON A BENCHMARKING VISIT TO THE PARLIAMENT OF THE UNITED KINGDOM AND NORTHERN IRELAND**

Motion made and Question proposed:-

**THAT**, this House **notes** the Report of the Committee on Members' Services and Facilities on a benchmarking visit to the Parliament of the United Kingdom and Northern Ireland Assembly held between March 12 & 16, 2018, laid on the Table of the House on Tuesday, April 24, 2018.

*(The Chairperson, Committee on Members' Services and Facilities)*

Debate arising;

Question put and agreed to.

**12. MOTION - REPORT ON IMPROVEMENT OF SERVICES AND FACILITIES FOR MEMBERS**

Motion made and Question proposed:-

**THAT**, this House adopts the Report of the Committee on Members' Services and Facilities on the Improvement of Services and Facilities for Members, laid on the Table of the House on Tuesday, April 24, 2018.

*(The Chairperson, Committee on Members' Services and Facilities)*

Debate arising;

Mover replied;

Question deferred.

And the time being one minute past Seven O'clock the Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

**13. HOUSE ROSE** - one minute past Seven O'clock.

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Thursday, August 16, 2018, at 2.30 p.m.